



Attorney Docket No. GRAY-032/01US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In application of Brian E. LE GETTE et al.

Serial No.: 10/693,607

Examiner: Andrew W. Sutton

Confirmation No.: 6475

Art Unit: 3765

Filed: October 27, 2003

For: **EAR WARMER HAVING A CURVED EAR PORTION**

U.S. Patent and Trademark Office
Customer Service Window, **Mail Stop Amendment**
Randolph Building
401 Dulany Street
Alexandria, VA 22314

RESPONSE TO RESTRICTION REQUIREMENT

In the restriction requirement mailed December 28, 2005, the response to which has been extended to April 28, 2006 by the accompanying Petition for Extension of Time, the Examiner requested that the Applicants elect one of the following:

- Invention I. Claims 1-8, drawn to an ear warmer with a proximal and distal portion, classified in class 2, subclass 208;
- Invention II. Claims 9-17, drawn to an ear warmer including a curved first portion, classified in class 2, subclass 171.4;
- Invention III. Claims 18-23, drawn to a frame including a portion including a second portion having a thickness less than 0.06 inches, classified in class 2, subclass 200.1;

Invention IV. Claims 24-28, drawn to an ear portion including an extension portion,
classified in class 2, subclass 209; and

Invention V. Claims 29-31, drawn to a method of disposing an ear warmer, classified in
class 2, subclass 171.5.

**The Applicants hereby elect, without traverse, Invention II, which corresponds to
claims 9-17 (previously presented) and 32-42 (new).**

The Applicants do not believe that extensions of time or fees for net addition of claims
are required beyond those that may otherwise be provided for in documents accompanying this
paper. However, if additional extensions of time are necessary to prevent abandonment of this
application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and
any fees required therefor (including fees for net addition of claims) are hereby authorized to be
charged to our Deposit Account No. 50-1283.

Amendments to the Specification begin on page 3 of this paper.

Amendments to the Claims begin on page 5 of this paper.

Remarks begin on page 10 of this paper.